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Smart prime contractors and subcontractors understand the legal and business benefits that accrue by having Jason Thornton in their corner. Others sometimes learn the hard way that not all construction lawyers are alike. Jason credits more than twenty years of near exclusive construction industry focus on private and federal, state, and local projects among the keys to his successful litigation practice. Owners, presidents, vice presidents, and operations and project managers faced with delay, disruption, inefficiency, and extra work claims, contract disputes, and bid protests rely on his proven counsel. Always contemplating creative solutions that will deliver the greatest value to the firm's clients, Jason is expert in all aspects of mediation, arbitration, trials, civil writs, and appeals.

Another of Jason's strengths is his ability to help clients minimize risk through a variety of dispute avoidance strategies. Early intervention is critical. Comprehensive knowledge of construction law, industry practices, and company operations empowers Jason to provide informed legal advice and recommendations. His anticipation of future legal ramifications and business impacts is especially insightful – and is something frequently overlooked by less experienced attorneys. The unforeseen effects of making the wrong decision can have damaging consequences down the road.

Of special note, Jason represented the appellants in three precedent-setting cases:

- *West Coast Air Conditioning Company, Inc. v. California Department of Corrections and Rehabilitation* (2018) 21 Cal.App.5th 453 [Contractor may recover bid preparation costs under promissory estoppel theory even though it obtained an injunction because injunction was ineffective]
- *Wagner Construction Company v. Pacific Mechanical Corporation* (2007) 41 Cal.4th 19 [California Supreme Court agreed with Mr. Thornton's position that arbitrator, not court, decides statute of limitations defense]
- *San Diego Unified Port District v. Douglas E. Barnhart, Inc.* (2002) 95 Cal.App.4th 1400 [In a construction case, the Fourth District Court of Appeal held the firm's client could not be forced to pay for destructive testing requested by others]

PRACTICES

- Construction Law
 - Claims & Disputes
 - Local Agency, Municipal & State Contracts
 - Federal Procurement & Claims
 - Project Counsel
 - Prime Contracts & Subcontracts
 - Labor & Employment
 - Collections
- Business & Commercial Litigation
- Liability Defense

ADMISSIONS

- California: State Courts
- U.S. District Courts of California: Central, Eastern, Northern, Southern
- U.S. Court of Federal Claims
- U.S. District Court of Colorado

EDUCATION

- University of San Diego School of Law, J.D., *cum laude*
 - Order of the Coif
 - Appellate Moot Court Board
- University of California, San Diego, B.S., Economics

Finch, Thornton & Baird, LLP
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Additionally, Jason represented the respondents in five important published opinions; the latter four of which upheld the framework for award of lease-leaseback contracts:

- *Brewer Corporation, et. al. v. Point Center Financial, Inc.* (2014) 223 Cal.App.4th 831
- *McGee v. Balfour Beatty Construction, LLC* (2016) 247 Cal.App.4th 235
- *McGee v. Balfour Beatty Construction, LLC (Second Appeal)* (2020) 49 Cal.App.5th 814
- *California Taxpayers Action Network v. Taber Construction, Inc.* (2017) 12 Cal.App.5th 115
- *California Taxpayers Action Network v. Taber Construction, Inc.* 2019 WL 6336264

Jason also serves as general counsel for Finch, Thornton & Baird, LLP legal matters.

DELAY, DISRUPTION, AND INEFFICIENCY CLAIMS

Early assessment of the most practical strategies for handling claims is essential. Prolonged delays in resolving these matters can result in unnecessary project setbacks and expenses and weaken leverage. Jason excels in the prosecution and defense of delay, disruption, and inefficiency claims for both prime and subcontractors. Working closely with company owners and senior managers, he methodically prioritizes objectives and evaluates client business resources. Only then do his two decades of experience take over to assist Jason in pursuing the prompt recovery of monies owed or in avoiding payments on false or unfounded claims.

CONTRACT INTERPRETATION DISPUTES AND EXTRA WORK CLAIMS

Given the complex legal and regulatory environment that characterizes the construction industry generally, contract disputes between prime and subcontractors are unavoidable. Seemingly subtle differences of contract interpretation can have costly and profound implications; extra work claims are common. The expertise that Jason brings to the review and evaluation of contracts, plans, and general conditions is exhaustive and precisely directed. His advice and recommendations are candid and straightforward. No learning curve is required. So when the burden of paying – or receiving – hundreds of thousands or millions of dollars hangs in the balance, many of the firm’s clients seek Jason’s counsel.

BID PROTESTS

All too frequently, the call arrives mid-afternoon on a Friday. The bids have been opened and reviewed. A protest is warranted and due within days; necessary investigative work must begin immediately. With his thorough knowledge of specialized construction processes from beginning to project sign off, Jason doesn’t waste a moment. He knows exactly what to do. Been there, done that, many times over. The client’s last-ditch effort to secure a project award is in good hands.

EXPERIENCE

- Construction litigation
- Public works of improvement and government contracts, including projects with local public agencies, cities, counties, state agencies, and the federal government
- Delay, disruption, inefficiency, and extra work claims
- Coordination with schedule, design, accounting, and subject matter experts on construction claims
- Foreclosure litigation
- Construction activity related to personal injury defense
- Mechanic’s liens
- Construction defect defense
- Requests for equitable adjustments (REAs)
- Contract Disputes Act claims
- Transactional matters specializing in the drafting and review of construction project agreements and public procurement compliance
- Local, state, and federal bid protests
- General business litigation
- Strategic counseling and compliance advice on general business, construction, and employment and labor issues

MEMBERSHIPS

- State Bar of California

RECOGNITION

- Named among best attorneys in Construction, California section, of *Chambers USA 2022 Guide*
- San Diego Super Lawyer for Construction Litigation by *Super Lawyers Magazine* in 2007–2020, and 2022
- California Super Lawyer by *San Diego Daily Transcript* for 2007–2013
- Top 10 San Diego Construction Law Attorney by *San Diego Daily Transcript* in 2007, 2012, and 2013
- Received American Jurisprudence Awards for outstanding achievement in Real Property and Evidence



LEADERSHIP

Mr. Thornton is an accomplished public speaker and regularly addresses the construction community on a range of legal, training, and educational topics:

Collection Strategies & Practical Advice: How To Get Paid On Public & Private Works

Lease-Leaseback Construction Under AB 2316 Effective 1-1-17

Collection Remedies: Lien Law, Payment Bonds, Stop Payment Notices & Beyond

What You Must Know To Get Paid – Collection Requirements and Practical Advice

The Future of K-12 Construction: Alternatives to Design-Bid-Build

Proving and Defending Construction Delay Claims

Building a Foundation for Managing Complex Construction Law Issues in California

Mechanic’s Lien Law & Strategies in California

Construction Lien Law in California